

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gerald B. Pier et al.  
Serial No.: 10/713,790  
Confirmation No.: 5867  
Filed: November 12, 2003  
For: POLYSACCHARIDE VACCINE FOR STAPHYLOCOCCAL  
INFECTIONS  
Examiner: Sarvamangala J. N. Devi  
Art Unit: 1645

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**CERTIFICATE OF ELECTRONIC FILING UNDER 37 C.F.R. § 1.8**

The undersigned hereby certifies that this paper, along with any paper referred to as being attached or enclosed, is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4), on the 10<sup>th</sup> day of December, 2010.

\_\_\_\_\_/Colman X. Flaherty/  
Colman X. Flaherty

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. § 1.97**

This Information Disclosure Statement has been filed after the mailing date of either a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 and is being filed on or before payment of an Issue Fee.

The Applicant hereby states, as specified in 37 C.F.R. § 1.97(e), that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart for this application not more than three months prior to the filing of this Statement.

Please charge our Credit Card in the amount of \$180.00 covering the fee set forth in 37 C.F.R. § 1.17(p).

PART II: Compliance with 37 CFR § 1.704(d)

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

PART III: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

The Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825 under Docket No. B0801.70255US01 from which the undersigned is authorized to draw.

Respectfully submitted,

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Docket No.: B0801.70255US01  
Date: December 10, 2010  
**x12/11/10x**